

Intellectual property and developing countries : balancing rights and obligations

Citation for published version (APA):

Claessens, F. (2009). *Intellectual property and developing countries : balancing rights and obligations*. [Doctoral Thesis, Maastricht University]. Wolf Legal Publishers. <https://doi.org/10.26481/dis.20091125fc>

Document status and date:

Published: 01/01/2009

DOI:

[10.26481/dis.20091125fc](https://doi.org/10.26481/dis.20091125fc)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

www.umlib.nl/taverne-license

Take down policy

If you believe that this document breaches copyright please contact us at:

repository@maastrichtuniversity.nl

providing details and we will investigate your claim.

Propositions, PhD Defense Fleur Claessens
'Intellectual Property and Developing Countries:
Balancing Rights and Obligations'

- 1) Technology is a common heritage of mankind and should benefit all peoples and all countries.
- 2) Well-designed IPR systems contribute to technology transfer activities and social and economic development. Stronger IPRs in low-income countries have an insignificant effect and may even deter knowledge flows in low-technology sectors.
- 3) Market forces alone will not result in technology transfer to Least Developed Countries hence complementary policy incentives are necessary.
- 4) The importance of IPRs in investment decisions is sector and type specific and depends on a number of circumstances such as investment climate, level of development and technological capability, guarantees against appropriation, the mode of technology transfer and the maturity of the technology.
- 5) Defensive and positive protection mechanisms are available to protect bio genetic resources and associated traditional knowledge and arrange for adequate access and benefit sharing solutions. A disclosure of origin requirement is only part of the solution.
- 6) Trying to define traditional knowledge deviates from the real obstacles in finding an international solution to protect traditional knowledge.
- 7) Acceding to the 'Lisbon Agreement for the Protection of Appellations of Origin and their International Registration' is a viable alternative to the TRIPS Council negotiations on GI extension of protection to other products than wines and spirits and a multilateral register for their notification and registration.
- 8) IPRs are only part of the problem in accessing pharmaceuticals for neglected diseases. This is demonstrated by the poor use made of the TRIPS Amendment (Art. 31*bis*) allowing countries with inadequate manufacturing capacities in the pharmaceutical sector to import medicines produced under compulsory license in third countries.